

**COMMITTEE ON LAND USE**  
**(Standing Committee of Berkeley County Council)**

Chairman: Mr. Charles E. Davis, District No. 4

Members: Mr. Milton Farley, District No. 1  
Mrs. Judith K. Spooner, District No. 2  
Mr. William E. Crosby, District No. 3  
Mr. Steve M. Vaughn, District No. 5  
Mrs. Judy C. Mims, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Henry L. Richardson, Jr., District No. 8  
Mr. James H. Rozier, Jr., Supervisor, ex officio

The COMMITTEE ON LAND USE met on Monday, September 17, 2001, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:37p.m.

PRESENT: Mr. Charles E. Davis, Councilmember District No. 4, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mrs. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney Jr., Councilmember District No. 7; Mr. Henry L. Richardson, Jr., Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk to County Council.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and agenda of this meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers and the News media.

Chairman Davis called the meeting to order and stated that first on the agenda was Consideration prior to First Reading of the following:

1. Request by Ruth T. Ayers, Trustee, 165 Royle Road, Ladson, TMS #232-00-02-100 and 232-00-02-010 (15.84 acres total), from CG, General Commercial and F-1, Flexible District, to LI, Light Industrial District.

Mr. LeaMond pointed out the property near Royle Road, I-26 and Highway 78. He stated the property is contiguous to two other properties across the road that have already gotten First Reading for rezoning to Light Industrial. Since this parcel is contiguous to those properties the Staff and Planning Commission's recommendation was to approve.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to approve the request by Ruth T. Ayers. The motion passed by unanimous voice vote of the Committee.

2. Request by Bid Realty, Royle Road, Ladson, TMS #242-00-02-051 (17.1 acres), from CG, General Commercial, to LI, Light Industrial.

Mr. LeaMond pointed out that the property was across the street from the previous parcel recommended and adjacent to the two other lots that have already received First Reading. The Staff and Planning Commission recommended approval.

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve the request by Bid Realty. The motion passed by unanimous voice vote of the Committee.

3. Request by Frances J. Garrison, 174 Highway 78, Ladson TMS #242-00-02-041 (1.86 acres), from R-1, Single Family Residential, to CG, General Commercial.

Mr. LeaMond pointed out that this property was located on Highway 78 next door to another property that is zoned General Commercial and the Staff and the Planning Commission recommended approval.

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to approve the request of Frances J. Garrison. The motion passed by unanimous voice vote of the Committee.

4. Request by Kenneth Flowers, et al, S-8-27 near I-26, Ridgeville, TMS #175-00-02-008 (26.49 acres), from F-1, Flexible District, to LI, Light Industrial.

Mr. LeaMond stated the property was requested to go to Light Industrial but is not in conformance with the Comprehensive Plan. The Staff's recommendation was to approve but the Planning Commission recommended denial based on that fact and that there were a number of small residential properties adjacent to it.

Councilmember Pinckney asked why the Planning Commission recommended denial? Mr. LeaMond stated the main concern was that there were a number of smaller properties located adjacent to this property that are already being used for residential and it would have an adverse affect on the existing houses.

Councilmember Spooner stated she noticed that there are a lot of small parcels. Are those site-built or mobile homes? Mr. LeaMond stated it appears to be a mix of both. Councilmember Spooner stated there is a 17.4-acre tract across the street. Mr. LeaMond stated those two properties were approved a couple of months ago for Light Industrial. Councilmember Vaughn asked what would the buffer be between those properties? Mr. LeaMond stated, as required, it would be 50-ft. The applicant stated he only wanted to make the property more marketable.

It was moved by Councilmember Pinckney and seconded by Councilmember Mims to deny the request of Kenneth Flowers. The motion passed by unanimous voice vote of the Committee to deny.

5. Request by Sharon E. Anderson-Goss, Clements Ferry Road and Oakview Lane, Wando, TMS #263-00-03-013 (1.07 acres), from R-2, Mobile Home Residential, to CG, General Commercial.

Mr. LeaMond stated this was a two-acre parcel on Highway 33 in the Cainhoy Village. The property across the street is already General Commercial and since it was contiguous on that side the Staff and Planning Commission recommended approval.

Councilmember Richardson stated he would like to hold this item until he could look at it because there are people in the area that are going before City Council and he would like to see where it connects.

Item 5, Request by Sharon E. Anderson-Goss was held in Committee.

Item 6, Request by Rodney Lockwood, 2410 Clements Ferry Road, Wando, TMS #267-00-00-022 (.55 acres), from R-2 Mobile Home Residential, to CG, General Commercial.

Mr. LeaMond stated Mr. Lockwood owns the property at the Intersection of Yellow House Road and Highway 33. He bought the adjacent property and would like to have it zoned General Commercial, which is presently the zoning of the other properties.

Councilmember Richardson asked was there a house on the lot? Mr. LeaMond stated there was a house but he didn't know whether it was still there. Councilmember Richardson stated he would like to go out to look at this property.

Item 5, Request by Rodney Lockwood was held in Committee.

Chairman Davis stated Item B was Review prior to Second Reading of the following:

Chairman Davis stated he would like to hold Bill No. 01-42, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Elias A. Driggers, Jr., State Road, Summerville, TMS #209-06-00-034 (2.49 acres); Harold C. Driggers, 1353 State Road, Summerville, TMS #209-06-00-026 & 033 (4.4 acres total); and Don Driggers, 131 Kimberly Lane, Summerville, TMS #209-06-00-035 (2.49 acres).

Councilmember Mims stated this property was in her district and she has planned to meet with the applicants regarding their request.

2. Bill No. 01-43, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Joseph E. Rudd, 3963 State Road,

Ridgeville, TMS #117-00-00-038 (1.34 acres), from F-1, Flexible District, to CN, Neighborhood Commercial.

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to send Bill No. 01-43 to Council for Second Reading. The motion passed by unanimous voice vote of the Committee.

3. Bill No. 01-44, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Fusion Properties, LLC, 7060 North Rhett, Goose Creek, TMS #252-00-00-035 (4.24 acres), from CG, General Commercial, to HI, Heavy Industrial.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to send Bill No. 01-44 to Council for Second Reading. The motion passed by unanimous voice vote of the Committee.

4. Bill No. 01-45, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Griffith Knapp Properties, North Rhett, Goose Creek, TMS #252-00-00-002 (4 acres), from CG, General Commercial, to HI, Heavy Industrial.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to send Bill No. 01-45 to Council for Second Reading. The motion passed by voice unanimous voice vote of the Committee.

5. Bill No. 01-46, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: George E. Polk, Corner of Redbank Road and North Rhett, Goose Creek, TMS #252-00-00-003 (13.2 acres), from CG, General Commercial, to HI, Heavy Industrial.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to send Bill No. 01-46 to Council for Second Reading. The motion passed by unanimous voice vote of the Committee.

Chairman Davis stated Items 6 & 7 were removed from this agenda.

Item C, Review prior to Third Reading of the following:

1. Bill No. 01-31, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Vera Junior Owens, 1693 Bethera Road, Bonneau, TMS #106-00-00-002 (1.63 acres), from CG, General Commercial to F-1, Flexible District.

It was moved by Councilmember Richardson and seconded by Councilmember Spooner to send Bill No. 01-31 to Council for Third Reading. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 01-32, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Brown & Tharp LLC, Miles Lane, Ridgeville, TMS #174-00-00-004 (60.1 acres), from F-1, Flexible District, to LI, Light Industrial.

Councilmember Mims asked was this item pending a decision from the Supreme Court? Councilmember Vaughn stated the applicant had asked that this item be sent to Public Hearing until they can make a determination. Supervisor Rozier stated the matter that's in court is whether they have the right to build or not to build a racetrack; not whether it is zoned from Flex-1 to Light Industrial. Councilmember Mims stated the paper indicated he still had intentions of building the racetrack.

Councilmember Pinckney stated that if the property is zoned Light Industrial a racetrack would not be permitted.

Supervisor Rozier stated that if the court rules he has the right to build a racetrack, he won't have to come back to Council. He stated he had spoken with the attorney who said that because this item was in court, Mr. Brown's asking to change the zoning may still favor the possibilities of his building a racetrack. Supervisor Rozier stated he misunderstood that Mr. Brown's asking for Light Industrial would remove his grand-fathering. If he were not in court it would remove grand-fathering but since he is in court, the court could rule he has the right to build a racetrack. Councilmember Mims asked was there any Light Industrial surrounding this property and would this not be spot-zoning? Mr. LeaMond stated that since the request was made with an adjacent property owner that voided the spot-zoning issue. If either were to withdraw then it would fall back into that category.

Councilmember Vaughn asked whether Mr. Brown only wanted to get this item through Second Reading and hold it until after the court ruled? Mr. LeaMond stated he wanted it to go forward but he was going to check with his attorney to find out his status on the grand-fathering. Supervisor Rozier stated Mr. Brown came to him and said it could go for Second Reading and Public Hearing but he did not want it to go to Third Reading. He stated Mr. Brown told him that if it is rezoned to Light Industrial he would build warehouses.

Councilmember Mims inquired about the next property on the agenda, Hazel Blackwell. Supervisor Rozier stated that item would also have to be held until the court ruled if the previous item is held.

3. Bill No. 01-33, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Hazel M. Blackwell, I-26 at S-8-27, Ridgeville, TMS #175-00-01-033 (17.43 acres), from F-1, Flexible District, to LI, Light Industrial.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to send Bill Nos. 01-32 and 01-33 to Public Hearing and back to the Committee. The motion passed by unanimous vote of the Committee.

4. Bill No. 01-34, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Neville & Brenda Morgan, 993 Sheep Island Road, Summerville, TMS #194-00-03-033 (.07 acre portion of .825 acre total), from F-1, Flexible District, to CN, Neighborhood Commercial.

It was moved by Councilmember Pinckney and seconded by Councilmember Spooner to send Bill No. 01-34 to Council for Third Reading. The motion passed by unanimous voice vote of the Committee.

5. Bill No. 01-35, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lovell Investment, L. P., 204 Royle Road, Summerville, TMS #242-00-02-053 & 054 (7.37 acres total), from CG, General Commercial, to LI, Light Industrial.

It was moved by Councilmember Spooner and seconded by Councilmember Richardson to send Bill No. 01-35 to Council for Third Reading. The motion passed by unanimous voice vote of the Committee.

6. Bill No. 01-36, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rebecca Smalls, 3028 Old Highway 52, Moncks Corner, TMS #224-00-01-029, (6.25 acres), from R-2, Mobile Home District, to R-2RF, Mobile Home Rural Farm Residential.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to send Bill No. 01-36 to Council for Third Reading. The motion passed by unanimous voice vote of the Committee.

7. Bill No. 01-37, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: William B. Dorn, 1542/1554 South Live Oak Drive, Moncks Corner, TMS #161-15-00-033 & 50, (4.28 acres total), from CG, General Commercial, to F-1, Flexible District.

It was moved by Councilmember Richardson and seconded by Councilmember Crosby to send Bill No. 01-37 to Council for Third Reading. The motion passed by unanimous voice vote of the Committee.

8. Bill No. 01-38, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Betty A. Franklin for Jack Greene, 124 Justin Court, Ladson, TMS #242-00-02-030, (2.26 acre portion, 3 acres total), from CG, General Commercial, to F-1, Flexible District.

It was moved by Councilmember Spooner and seconded by Councilmember Pinckney to send Bill No. 01-38 to Council for Third Reading. The motion passed by unanimous voice vote of the Committee.

9. Bill No. 01-40, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Dilys M. Wright, R & D Acres Mobile Home Park, 193 Acres Drive, Ladson, TMS #242-07-00-023 (5.35 acres), fro R-2, Residential Mobile Home, to LI, Light Industrial.

It was moved by Councilmember Spooner and seconded by Councilmember Pinckney to send Bill No. 01-40 to Council for Third Reading. The motion passed by unanimous voice vote of the Committee.

Chairman Davis stated the following item was held in Committee:

Item D1, Bill No. 01-10, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gayle Judy, 1009 Black Oak Road, Bonneau, 068-04-02-005, 060, 061, 062, 063 (2.1 acres total), from R-1, Single Family Residential, to R-2, Residential Mobile Home.

Mr. Bill McCall and Ms. Gayle Judy who were on the agenda for comments were not present.

Chairman Davis stated the original recommendation was to deny.

It was moved by Councilmember Spooner and seconded by Councilmember Mims to deny Bill 01-10. The motion passed by unanimous voice vote of the Committee.

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adjourn. The motion passed by unanimous voice vote of the Committee.

The Meeting adjourned at 6:55 p.m.

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Mr. Caldwell Pinckney, District No. 7  
Mr. Henry L. Richardson, Jr., District No. 8  
Mr. James H. Rozier, Jr., Supervisor, ex officio

A meeting of the COMMITTEE ON LAND USE, Standing Committee of Berkeley County Council, will be held on Monday September 17, 2001, in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, following the meeting of the Committee on Planning and Development, at 6:00 p.m.

**AGENDA**

A. Consideration prior to First Reading of the following:

1. Request by Ruth T. Ayers, Trustee, 165 Royle Road, Ladson, TMS #232-00-02-100 and 232-00-02-010 (15.84 acres total), from CG, General Commercial District and F-1, Flexible District, to LI, Light Industrial District. Council District No. 4.

[Staff recommended approval]

[Planning Commission recommended approval]

2. Request by Bid Realty, Royle Road, Ladson, TMS #242-00-02-051 (17.1 acres), from CG, General Commercial District, to LI, Light Industrial District. Council District No. 5.

[Staff recommended approval]

[Planning Commission recommended approval]

3. Request by Frances J. Garrison, 174 Highway 78, Ladson, TMS #242-00-02-041 (1.86 acres), from R-1, Single Family Residential, to CG, General Commercial District. Council District No. 5.

[Staff recommended approval]

[Planning Commission recommended approval]

4. Request by Kenneth Flowers, et al., S-8-27 near I-26, Ridgeville, TMS 175-00-02-008 (26.49 acres), from F-1, Flexible District, to LI, Light Industrial District. Council District No. 7.

[Staff recommended approval]

[Planning Commission recommended denial; one vote approval – 5 votes denial]



5. Request by Sharon E. Anderson-Goss, Clements Ferry Road and Oakview Lane, Wando, TMS #263-00-03-013 (1.07 acres), from R-2, Mobile Home Residential District, to CG, General Commercial. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

6. Request by Rodney Lockwood, 2410 Clements Ferry Road, Wando, TMS #267-00-00-022 (.55 acres), from R-2, Mobile Home Residential District, to CG, General Commercial District. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

B. Review prior to Second Reading of the following:

1. Bill No. 01-42, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Elias A. Driggers, Jr., State Road, Summerville, TMS #209-06-00-034 (2.49 acres), Harold C. Driggers, 1353 State Road, Summerville, TMS #209-06-00-026 & 033 (4.4 acres total), and Don Driggers, 131 Kimberly Lane, Summerville, TMS #209-06-00-035 (2.49 acres), from F-1, Flexible District, to CG, General Commercial District. Council District No. 6.

Comments limited to two (2) minutes:

Applicants

Opposition

2. Bill No. 01-43, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Joseph E. Rudd, 3963 State Road, Ridgeville, TMS #117-00-00-038 (1.34 acres), from F-1, Flexible District, to CN, Neighborhood Commercial. Council District No. 7.

3. Bill No. 01-44, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Fusion Properties, LLC, 7060 North Rhett, Goose Creek, TMS #252-00-00-035 (4.24 acres), from CG, General Commercial District, to HI, Heavy Industrial District. Council District No. 3.

4. Bill No. 01-45, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Griffith-Knapp Properties, North Rhett, Goose Creek, TMS #252-00-00-002 (4 acres), from CG, General Commercial District, to HI, Heavy Industrial District. Council District No. 3.

5. Bill No. 01-46, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: George E. Polk, Corner of Redbank

Road and North Rhett, Goose Creek, TMS #252-00-00-003 (13.2 acres), from CG, General Commercial District to HI, Heavy Industrial District. Council District No. 3.

6. Bill No. 01-47, An Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and among Berkeley County, South Carolina, and Triton PCS Holdings Company, L.L.C.; and other matters relating hereto including, without limitation, payment of a fee in lieu of taxes.

7. Bill No. 01-48, An Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and among Berkeley County, South Carolina, and DIBS-SUN, LLC; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.  
[Recommended by Committee on Finance]

C. Review prior to Third Reading of the following:

1. Bill No. 01-31, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Vera Junior Owens, 1693 Bethera Road, Bonneau, TMS #106-00-00-002 (1.63 acres), from CG, General Commercial District, to F-1, Flexible District. Council District No. 8.

2. Bill No. 01-32, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Brown & Tharp LLC, Miles Lane, Ridgeville, TMS #174-00-00-004 (60.1 acres), from F-1, Flexible District, to LI, Light Industrial District. Council District No. 7.

3. Bill No. 01-33, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: by Hazel M. Blackwell, I-26 at S-8-27, Ridgeville, TMS #175-00-01-033 (17.43 acres), from F-1, Flexible District, to LI, Light Industrial District. Council District No. 7.

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8. Bill No. 01-38, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Betty A. Franklin for Jack Greene, 124 Justin Court, Ladson, TMS #242-00-02-030, (2.26 acre portion, 3 acres total), from CG, General Commercial District, to F-1, Flexible District. Council District No. 5.

9. Bill No. 01-40, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Dilys M. Wright, R & D Acres Mobile Home Park, 193 Acres Drive, Ladson, TMS# 242-07-00-023 (5.35 acres), from R-2, Residential Mobile Home District, to LI, Light Industrial District. Council District No. 5.

D. HELD IN COMMITTEE:

1. Bill No. 01-10, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gayle Judy, 1009 Black Oak Road, Bonneau, 068-04-02-005, 060, 061, 062, 063 (2.1 acres total), from R-1, Single Family Residential District, to R-2, Residential Mobile Home District. Council District No. 6.  
[Received first reading on 4-23-01 – recommended for denial ]

Comments by:

Mr. Bill McCall  
Ms. Gayle Judy

September 12, 2001  
S/Barbara B. Austin  
Clerk of County Council